

**REMARKS**

Claims 1-12 are all the claims pending in the application. Claims 1-7 have been rejected and new claims 8-12 are added by this Amendment.

**Preliminary Matters**

Applicant thanks the Examiner for indicating that the formal drawings filed December 7, 2001 are accepted, and also for acknowledging the claim for foreign priority and receipt of a certified copy of the priority document.

**Claim Rejections - 35 U.S.C. § 102(b)**

The Examiner rejected claims 1-4 and 6/1-6/4 under § 102(b) as being anticipated by Matsubara et al. (US 5,712,666; "Matsubara"). Applicant traverses this rejection as follows.

The Examiner alleges, *inter alia*, that Matsubara discloses a detection means (figure 15 (112-119, 125) fixedly positioned in relation to said conveyed recording medium (column 16, 12-17). Applicant respectfully submits that this reading of Matsubara is incorrect, and that Matsubara fails to disclose, at least, a detection means fixedly positioned in relation to said conveyed recording medium, as recited in independent claim 1. For example, the Examiner recites a portion of Matsubara which states:

In the shading correction processing, the density data of the test pattern obtained by reading sensor 125 is sent to the CPU 115. After step S53 of FIG. 9 is performed, the data are written into the RAM of its magnification mode. At this time, the original data written in the RAM are renewed.  
(Matsubara, col.16, lines 12-17.)

The Examiner seems to allege that the reading sensor 125 corresponds to the recited detection means fixedly positioned in relation to said conveyed recording medium. However, Matsubura clearly discloses that the reading sensor 125 is only a single element, several of which comprise the read-out head 124. (Fig. 1, col. 1, lines 45-54). Further, the read-out head 124 of Matsubura is not fixedly positioned in relation to the conveyed recording medium.

To the contrary, Matsubura discloses that the read-out head 124 actually moves when scanning in the direction shown by arrow B in Figure 1. (col. 1, lines 49-50). Thus, neither the read-out head 124 nor the reading sensors 125 within the readout head are fixedly positioned as alleged.

Thus, Applicant respectfully submits that independent claim 1 is allowable for at least this reason. Further, claims 2-4 and 6/1-6/4 are allowable, at least by virtue of their dependency.

**Claim Rejections - 35 U.S.C. § 103(a)**

The Examiner rejected claims 5/1-5/4 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Matsubura in view of Nakai et al. (US 5,539,523, "Nakai"). Applicant traverses this rejection as follows.

First, Nakai does not compensate for the deficiencies of Matsubura with regard to independent claim 1. Therefore, claims 5/1-5/4 and 7 are allowable, at least by virtue of their dependency.

Secondly, the Examiner concedes that Matsubura fails to disclose that said conveyance means is capable of varying the conveyance speed of said recording medium. (Office Action, pg. 4). Thus, to compensate for the deficiencies of Matsubura, the Examiner applies Nakai, alleging

that it discloses varying the scanning speed and that this somehow implies varying the conveyance speed of the recording medium.

In contrast, Applicant submits that Nakai fails to teach or suggest any conveyance speed of the recording medium at all. The Examiner is improperly interpreting various scanning modes to imply a recording medium speed change. For example, the portions cited by the Examiner reference a pre-scanning mode for determining the specific colors of an area (*See* col. 5, lines 50-54), and a manner of scanning using a CCD to convert the original image data into sampled image data. However, none of the portions cited by the Examiner even mentions a recording medium speed. Furthermore, no other portion of Nakai teaches or suggests such a feature.

Thus, Applicant submits that claims 5/1-5/4 and 7 are allowable over the applied combination of Matsubura in view of Nakai.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111  
U.S. Appln No. 10/004,826

Atty Dkt No. Q66566

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Respectfully submitted,



David P. Emery  
Registration No. 55,154

Date: February 28, 2006